

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

ERIC MACON,

Petitioner,

v.

CASE NO. 05-CV-60263
HONORABLE JOHN CORBETT O'MEARA

BARRY DAVIS,

Respondent.

**ORDER DENYING APPLICATION TO PROCEED IN FORMA PAUPERIS ON
APPEAL AND DENYING PETITION FOR EVIDENTIARY HEARING**

This matter is before the Court on Petitioner's application to proceed *in forma pauperis* on appeal concerning the Court's denial of his habeas petition, as well as his post-judgment petition for an evidentiary hearing on his perjured testimony claim. The Court, however, denied relief on the perjured testimony claim and denied a certificate of appealability and leave to proceed on appeal *in forma pauperis* in its opinion and order dismissing the petition. The Court finds no reason to reconsider those decisions. A motion for reconsideration which presents issues already ruled upon by the court, either expressly or by reasonable implication, will not be granted. *See Hence v. Smith*, 49 F. Supp. 2d 547, 550 (E.D. Mich. 1999); *Czajkowski v. Tindall & Assoc., P.C.*, 967 F. Supp. 951, 952 (E.D. Mich. 1997). Petitioner has not met his burden of showing a palpable defect by which the Court has been misled or his burden of showing that a different disposition must result from a correction thereof, as required by Local Rule 7.1(g)(3). Accordingly, the Court **DENIES** Petitioner's application to proceed *in forma pauperis* on appeal

as well as his post-judgment petition for an evidentiary hearing.

SO ORDERED.

s/John Corbett O'Meara
United States District Judge

Date: March 13, 2009

I hereby certify that a copy of the foregoing document was served upon the parties of record on this date, March 14, 2009, by electronic and/or ordinary mail.

s/William Barkholz
Case Manager